

REMARKS

By this Amendment, claims 1, 15 and 21 have been amended and claims 25-27 are newly added. No claims have been cancelled. Claims 1-5, 7-11, 15-19 and 21-27 are pending, of which claims 8-11 and 17-19 were previously withdrawn from consideration. Support for the instant amendments and new claims is provided throughout the as-filed application. Thus, no new matter has been added. In view of the foregoing amendment and following comments, allowance of all the claims pending in the application is respectfully requested.

As a preliminary matter, Applicants request that upon allowance of independent claims 1 and 15 that withdrawn dependent claims 8-11 and 17-19 be subsequently rejoined and allowed. See MPEP § 821.04.

REJECTIONS UNDER 35 U.S.C. § 103

I. Claims 1-3, 7, 15, 16, and 21-23 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,961,497 to Larkin (hereinafter "Larkin"), and further in view of U.S. Patent No. 5,775,671 to Cote (hereinafter "Cote"). Applicants disagree with the propriety of this rejection. However, solely in an effort to expedite prosecution, Applicants have amended independent claims 1, 15 and 21 to further clarify aspects of the claimed invention.

Independent claim 1 recites, *inter alia*, the features of:

the circulating member is configured to: circulate the first fluid injected from the inserted tube member to a gap region between the inner wall of the channel tube unit and the septum deformed by the insertion of the tube member *such that at least a portion of an exposed back surface of the septum is in contact with at least a portion of the circulating first fluid redirected by the circulating plate.*

[emphasis added].

Even assuming, *arguendo*, that the combination of Larkin and Cote is proper (which Applicants do not concede), the cited portions of Larkin and Cote, either taken alone or in combination, do not disclose, teach or otherwise render obvious at least the above noted claim features of independent claim 1.

For instance, the alleged combination does not teach or suggest a mixture injection port including a septum and a circulating plate in which at least a portion of an exposed back surface of a septum is in contact with at least a portion of the circulating fluid redirected by a circulating plate. At most, the combination of Larkin and Cote might suggest engaging the lower extending skirt 17 having threads 19 of the connector 10 of Larkin with the inlet section 16 provided with threads 14 of Cote. [See, e.g., Larkin, col. 5, lines 22-24 & Cote, col. 3, lines 40-46 ("The inlet section 16 of the inlet housing component 26 is designed to accept a male Luer fitting 12 by tapering the inner surface 18 of the inlet section."); Fig. 1 (showing male Luer fitting 12 in phantom)].

However, in such a configuration, it does not appear the actuator 50 of Cote (which the Examiner alleges is a circulating plate) would be able to redirect any injected fluid such that any exposed back surface of the seal 70 of Larkin (which the Examiner alleges is a septum) would be contacted with any inject fluid. Indeed, the cited portions of Cote make no mention or suggestion that the actuator 50 redirects fluid up through the male Luer fitting 12 (which would appear necessary to redirect inject fluid towards any seal member that may be connected to an upper portion of the male Luer fitting 12).

By contrast, according to one aspect of the claimed invention and consistent with the disclosed embodiments, the circulating member is configured to circulate the first fluid injected from the inserted tube member to a gap region between the inner wall of the channel tube unit and the septum deformed by the insertion of the tube member such that at least a portion of an exposed back surface of the septum is in contact with at least a portion of the circulating first fluid redirected by the circulating plate. This helps to flush the back surface of the septum so as to remove blood and/or other fluid that may become stagnant thereby reducing the potential for microorganisms growing there. [See, e.g., Applicants' Specification, ¶¶ 42-44].

Thus, for at least the foregoing reasons, Applicants submit that Larkin and Cote, either alone or combination, fail to disclose, teach or otherwise render obvious each and every feature of amended claim 1. As such, claim 1 is clearly patentable. Claims 15 and 21 recite similar features as claim 1. Therefore, the arguments presented for claim 1 above apply to claims 15 and 21 as well. And, because claims 2, 3, 7, 16, 22 and 23 ultimately depend from claims 1, 15 and 21, claims 2, 3, 7, 16, 22 and 23 are patentable at least by virtue of dependency from claims 1, 15 and 21 as well as for their additional recitations. Accordingly, the immediate withdrawal of the rejection of claims 1-3, 7, 15, 16, and 21-23 under 35 U.S.C. § 103(a) is respectfully requested.

II. Claims 4, 5, and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Larkin and Cote as applied to claim 2 above, and further in view of U.S. Patent No. 5,817,069 to Arnett (hereinafter "Arnett"). Applicants traverse this rejection for at least the following reasons.

As discussed above, the cited portions of Larkin and Cote do not disclose, teach or otherwise render obvious each and every feature of claim 1.

Further, even assuming, *arguendo*, that it was proper to combine the teachings of Cote, Larkin, and Arnett, (which Applicants do not concede), the cited portions of Arnett do not overcome the shortcomings of the cited portions of Larkin and Cote. For instance, the Examiner merely relies upon Arnett to allegedly teach aspects of dependent claims 4, 5 and 24.

Thus, for at least the foregoing reasons, Applicants submit that Larkin, Cote, and Arnett, either alone or combination, fail to disclose, teach or otherwise render obvious each and every feature recited by amended claim 1. And, because claims 4, 5 and 24 ultimately depend from claim 1, claims 4, 5 and 24 are patentable at least by virtue of dependency from claim 1 as well as for their additional recitations. Accordingly, the immediate withdrawal of the rejection of claims 4, 5 and 24 under 35 U.S.C. § 103(a) is respectfully requested.

Customer No.: 00909

Application Serial No.: 10/559,533

Attorney Docket No.: 057788-0318680

Response to Non-Final Office Action mailed September 8, 2009

NEW CLAIMS

Claims 25-27 ultimately depend from claims 1, 15 and 21, respectively, and are patentable at least by virtue of dependency from claims 1, 15 and 21 as well as for their additional recitations.

Customer No.: 00909

Application Serial No.: 10/559,533

Attorney Docket No.: 057788-0318680

Response to Non-Final Office Action mailed September 8, 2009

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

If an extension of time is necessary to prevent abandonment of this application, then such an extension of time is hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 033975 (Ref. No. 057788-0318680).

Date: February 5, 2010

Respectfully submitted,

By:



Eric B. Compton

Registration No. 54,806

Customer No.: 00909

Pillsbury Winthrop Shaw Pittman LLP

P.O. Box 10500

McLean, Virginia 22102

Direct: (703) 770-7721

Main: (703) 770-7900

Fax: (703) 770-7901